

4828. Misbranding of Dr. Thacher's Liver & Blood Syrup. U. S. v. Thacher Medicine Co., a corporation. Submitted to information. Fine, \$75 and costs. (F. & D. No. 5810. I. S. No. 9637-e.)

On December 10, 1914, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Thacher Medicine Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 27, 1913, from the State of Tennessee into the State of Maryland, of a quantity of Dr. Thacher's Liver & Blood Syrup which was misbranded. The article was labeled: (On carton) "This Style Package adopted 1907. Dr. Thacher's Liver & Blood Syrup 12½% Alcohol A Powerful Tonic A Pure Liver Regulator and Blood Purifier. 905 Guaranteed by Thacher Medicine Co. Under the Food and Drugs Act, June 30, 1906. A Medicine that can be Taken by all Young and Old Male and Female Read the enclosed circular Follow the Directions Carefully Price 50 Cents Prepared for Thacher Medicine Co. Chattanooga, Tenn. (On side of carton) Dr. Thacher's Liver and Blood Syrup for Liver Complaints, Biliousness, Costiveness, Drowsiness, Yellow Jaundice, and Kidney Complaints. Impure or Bad Blood Including Scrofula, Salt Rheum, Erysipelas, Pimples, and all Diseases of a Syphilitic character also Loss of Appetite, Dyspepsia, Sour Stomach, Sleeplessness, Pains in Back and Sides, Sick Headache, and in cases of Female Diseases The Syrup has given Immediate Relief. Notice: The great success and unprecedented demand and sale of Dr. Thacher's Liver and Blood Syrup have induced several unscrupulous and piratical parties to attempt to manufacture a similar preparation, but without any success. Imitators have completely failed to prepare a medicine that can be Relied Upon to Cure the diseases named, or in any way equal the true merits of Dr. Thacher's Liver and Blood Syrup. To guard against fraud, see that our Trade Mark is on each package, and that it bears the signature of Doctor H. S. Thacher." (On bottle) "Dr. Thacher's Liver & Blood Syrup 12½% Alcohol Prepared for Thacher Medicine Co. Chattanooga, Tenn. For Liver Complaint, Biliousness, Constipation, Jaundice, Malaria, Chills and Fever, Indigestion, Loss of Appetite, Kidney Troubles, Rheumatism, Catarrh, Blood and Skin Diseases, and Female Diseases. Guaranteed by Thacher Med. Co. under Food and Drugs Act, June 30, 1906. 905 Directions: One or two teaspoonfuls in water after meals increase or decrease the dose as needed to move the bowels freely once a day. Children in proportion to age and constitution. Price 50 Cents. Read the circular carefully that is wrapped around the bottle. (Blown in bottle) Dr. Thacher's Liver and Blood Syrup, Chattanooga, Tenn."

The circular accompanying the article contained, among other things, the following: "As a blood purifier it is without an equal, is pleasant to take and may be used by young or old. In cases of impure blood it gives speedy relief, curing Scrofula, Salt Rheum, Eczema, Boils, Pimples, Erysipelas, and Syphilitic Diseases. It will cure all diseases caused by the failure of the Liver, Kidneys, Stomach or Bowels to perform their proper functions. As a blood purifier no medicine can be more effective. The impurities will be removed and the entire system cleansed. As a preventive of bilious and yellow fever it is known to be effectual."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be a sirup containing alcohol and extractive matter from vegetable drugs including one or more cathartic drugs flavored with spices.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Dr. Thacher's Liver and Blood Syrup for Liver Complaints, Biliousness, Costiveness, Drowsiness, Yellow Jaundice, and Kidney Complaints. Impure or Bad Blood, including Scrofula, Salt Rheum, Erysipelas, Pimples, and all diseases of a Syphilitic character, also loss of Appetite, Dyspepsia, Sour Stomach, Sleeplessness, Pains in the Back and Sides, Sick Headache and in cases of Female Diseases the Syrup has given immediate relief," and included in the circular aforesaid, to wit: "In cases of impure blood it gives speedy relief, curing Scrofula, Salt Rheum, Eczema, Boils, Pimples, Erysipelas, and Syphilitic diseases." "It will cure all diseases caused by the failure of the liver, kidneys, stomach or bowels to perform their proper functions." "As a blood purifier no medicine can be more effective. The impurities will be removed and the system cleansed. As a preventive of bilious and yellow fever it is known to be effective," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for curing scrofula, salt rheum, erysipelas, and all diseases of a syphilitic character, and syphilitic diseases, and for the immediate relief of female diseases, and for curing eczema and diseases caused by the failure of the liver, kidneys, stomach, or bowels to perform their proper functions, and as a preventive of yellow fever, when, in truth and in fact, it was not in whole or in part composed of, and did not contain, such ingredients or medicinal agents.

On November 29, 1915, the defendant company entered its submission to the information, and the court imposed a fine of \$75 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.